G. R. S. IX-5]

*Previous references.*

Cls 12-1920-4

File No. 73

1920.

( Cls )

Serial Nos. /

*Later references.*

Preserve
B.
15/11/42

# GENERAL AND REVENUE SECRETARIAT.

*Serial Nos.* Two

**Part B for** October 1920

SUBJECT.

Sanction to the amendments of practice Nos 4 & 5 persons the misc Registe x Quarterly Statement No 4 persons shewing as to the classes cases that shou under Regs No III

Cl 2) To, The Registrar, Chief Court. No 97827 D9 - 10 - 20

Sanctions new forms of criminal quarterly statement No IV & Registe

WD 2233—GPB—20,000—14-6-20

Chief Judges 1/10/20

3565

G. R. S. III—1] 1920.

GENERAL AND REVENUE SECRETARIAT.

( Courts )

NOTES.

File No. 73. 20.

FILE HEADING.

Sanction to the amendments to Rule of Practice no. 405 revising the miscellaneous Register & Quarterly Statement no. 4 and issuing instructions as to the class of cases that should be brought under Reg no. III

From

The Registrar, Chief Court of Mysore

No. C. 261/20-4 Dated 29th Aug 1920 - Received on 1-9-20

| Diary No. 3565 | Enclos. 2 Spare Copies. | Serial No. 1 |
|---|---|---|

BRIEF ABSTRACT OF LETTER.

States that statement no 4 is defective as it does not show many particulars necessary and requests sanction of Government to revise the Miscellaneous Register and Statement of Miscellaneous Cases ~~as~~ on the lines suggested, for ~~the~~ reasons given therein.

NOTES AND ORDERS.

Submit with a draft sanctioning, for approval.

1776
10-9-20

4/9/20 III Member

Appd

25/9/20

D. M. 9/9

D. M. 28/9

NOTES—First Sheet.

G. R. S. III-2.

General and Revenue Secretariat.

Ch File No. 73 of 1920.

| Serial No. | |
|---|---|
| 2 | To<br>The Registrar, Chief Court<br>No. G. 7827 dt 9-10-20.<br>Sanctions new forms of criminal quarterly statement no. IV & Register No. III |

SECRETARIAT III BRANCH. 20 OCT 1920 2816

NOTE—Contn. sheet.

3565

1920-1921
SECTION Ch
FILE No. 73-21
SERIAL No. 1

Bangalore,
Dated 29th August 1920.

From

G. Sreenivasa Iyer, Esq., B.A., M.L.,
Registrar of the Chief Court of Mysore.

To

C. S. Balasundaram Iyer, Esq., B.A.,
Chief Secretary to the
Government of Mysore,
Bangalore.

Sir

I am directed to state that from the quarterly statements No.2 (as revised by corrigendum dated the 17th December 1919 to Criminal Rule of Practice No.4 dated the 31st May 1878--Vide G.O.No.G.1248-2/Cts.12-19-4 dated the 27th November 1919) received from the various criminal courts, it is seen that miscellaneous cases are also included in that statement instead of being shown in statement No.4. This latter statement as it is at present, does not furnish any particulars as to the number of cases filed and disposed of. It is not also quite full or complete inasmuch as it does not include, for instance, proceedings against witnesses under sections 87 to 89 and 485, Criminal Procedure Code or proceedings for non-attendance of Jurors or assessors. Hence it is proposed to revise the Miscellaneous Register and statement of miscellaneous cases on the basis of

the

the corresponding forms in Madras with a few additional columns which are found necessary to make the statement of miscellaneous work done by Magistrates full and complete. Instructions have also to be issued as to the exact nature of the work to be shown in the Register No.III and Statement No.4.

I am to request, therefore, that the Government may be pleased to accord their sanction to the accompanying amendments to Rule of Practice Nos.4 and 5 revising the Miscellaneous Register and quarterly statement No.4 and issuing instructions as to the class of cases that should be brought under Register No.III.

I have the honour to be,

S i r,

Your most obedient servant,

R Sanniwamy

R e g i s t r a r.

Tks.

IN THE CHIEF COURT OF MYSORE AT BANGALORE.

Criminal Side.

Corrigendum dated the .....1920, to Rule of Practice No.5 dated the 12th June 1878.

*****

Page 80 (Criminal Digest)

In supersession of the Rules of Practice Nos. 43 dated the 27th November 1885, 57 dated 9th January 1892; Circular Letters Nos.29 dated 6th December 1881; 102 dated 20th May 1892, 139 dated 17th November 1898, 157 dated 18th July 1904 and the Chief Court Proceedings dated the 10th August 1895, the Chief Court directs that the following form be substituted for the Register No.III prescribed by the said Rule of Practice:--

REGISTER NO.III(CRIMINAL).

Register of Miscellaneous cases received in the court of .....

| Number. | Name and residence of petitioner, if any, or designation of officer by whom reported. | Name and residence of defendant. | Section and Chapter of the Criminal Procedure Code under which proceedings are instituted. | Result. | Date of | | | Remarks. |
|---|---|---|---|---|---|---|---|---|
| | | | | | Receipt of petition or report. | Commencement of inquiry. | Order. | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| | | | | | | | | |

Note:--The following cases will be entered in this Register:--

1. Proceedings against witnesses under Chapter VIC and section 485, Criminal Procedure Code.

2. Proceedings under Chapter VIII to prevent breach of the peace (sections 106, 107, 108, 112, 119 and 123, Criminal Procedure Code.)

3. Proceedings under Chapter VIII, security for good behaviour (sections 109, 110, 112, 119 and 123, Criminal Procedure Code).

4. Proceedings against public nuisances under Chapter X, Criminal Procedure Code.

5. Possession under Chapter XII, Criminal Procedure Code.

6. Frivolous or vexatious accusations summarily dealt with under section 250.

7. Non-attendance of Jurors or assessors under section 332, Criminal Procedure Code.

8. Maintenance under Chapter XXXVI, Criminal Procedure Code.

9. Forfeiture of bail or recognizance under Chapter XLII, Criminal Procedure Code.

10. Proceedings under section 563 against convicted offenders released under section 562, Criminal Procedure Code.

11. Proceedings on complaints under the Breach of Contract Act.

12. Proceedings under sections 13 and 15 of the Lunacy Regulation.

13. Proceedings for disposal of property under sections 518 and 523, Criminal Procedure Code.

14. Proceedings under section 480 (contempt of court), 512 (against an accused who has absconded) and section 552 of the Criminal Procedure Code.

The date of institution in miscellaneous proceedings is the date on which any proclamation is published, process issued or order made, or on which the accused is produced in Court or is called upon to show cause why an order should not be made against him.

As regards some of the cases classed as miscellaneous the terms "conviction" and "discharge" (columns 6 and 7) of the Quarterly Statement No.IV can only be arbitrarily defined, but as a general rule it may be said that a person should be regarded as "convicted" whenever an order adverse to him is passed as final or is made absolute. If proceedings terminate without such an adverse order the person who, but for this termination might have been the object of such adverse order, should be regarded as "discharged":--

(i) An order for sale of attached property under section 88 of the Code would be equivalent to conviction even though the attached property be subsequently restored under section 89.

(ii) An order made absolute under sections 136, 137 or 139 of the Code would be regarded as a conviction.

(iii) An order of attachment under section 146 does not terminate the proceedings and the case must remain pending till a final order is passed.

(iv) In cases under section 2 of the Workman's Breach of Contract Act, 1859, if an order to repay the money or a part of the money advanced or to perform or get performed the work contracted for is passed, the accused will be treated as convicted: Otherwise as discharged. If the order is disobeyed and it is proposed to sentence the offender to imprisonment, a separate case will be registered in the Register of Original Cases.

When a case which has once been decided is ordered in appeal or revision to be retried or further inquired into, the retrial or further inquiry will for all purposes, including duration, be regarded as a separate case whether it takes place in the court which originally tried the case or in some other court. A note will however be made in the remarks column against the new line of entries giving the number under which the case was originally registered and the number and date of the order of the appellate or revisional court.

Note.2.--The Reports submitted by the Police in forms B and C under sections 169 and 173, Criminal Procedure Code and inquests held by the magistrates should not be entered in this Register: if a summon or warrant issue and judicial investigation result on a report under section 169, Criminal Procedure Code the case should be entered in Register I.

Tkg.

REGISTRAR.

## QUARTERLY STATEMENT NO.4 (Criminal.)

STATEMENT SHOWING THE ORDERS ISSUED BY MAGISTRATES IN THE EXERCISE OF THEIR PREVENTIVE JURISDICTION AND OTHER MISCELLANEOUS BUSINESS IN THE COURT OF.....FOR THE .....QUARTER OF 19 -19 .

| Nature of proceedings. | Cases. | | | Persons. | | | | Fine, compensation or penalty. | | Number of persons imprisoned. | Remarks. |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Total number for disposal. | Disposed of. | Pending. | Total number for disposal | Disposed of. Discharged. | Disposed of. Convicted. | Pending. | Amount imposed. | Amount realised. | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| 1. Proceedings against witnesses under Chapter VIC and section 485, Criminal Procedure Code. | | | | | | | | | | | |
| 2. Proceedings under Chapter VIII to prevent breach of the peace, sections 106, 107, 108, 112, 119 and 123, Criminal Procedure Code. | | | | | | | | | | | |
| Proceedings under Chapter VIII--Security for good behaviour--sections 109, 110, 112, 119 and 123, Criminal Procedure Code. | | | | | | | | | | | |

4. Proceedings against local Nuisances, Chapter X, Criminal Procedure Code.

5. Possession, Ch.XII, Criminal Procedure Code.

6. Frivolous or vexatious accusations summarily dealt with under Ch.XX--Section 250, Cr.P.C.

7. Non-attendance of Jurors or assessors, Ch.XXIII, section 332, Criminal Procedure Code.

8. Maintenace: Ch.XXXVI, Criminal Procedure Code.

9. Forfeiture of bail or recognizance, Ch.XLII, Cr.P.C.

10. Proceedings under Ch.XLVI, section563, Cr.P.C. against convicted offenders released under section 562, Criminal Procedure Code.

11. Proceedings on complaint under the Breach of Contract Act.

12. Do. under sections 13 & 15, of the Lunacy Regulation.

13. Proceedings under ss.518 & 523 of the Cr. P. C.

14. Proceedings under section 480(Contempt of court) 552, 512(against an accused person who has absconded or where offender is unknown ) of the Code of Criminal Procedure.

Total.....

Note.--Columns 2 and 5. Show the numbers actually for disposal, excluding those transferred to other courts.
Column 11--Sub-head 3. Show in the column of remarks the number sentenced to rigorous imprisonment.
" Sub-head 9. Show in columns 9 and 10 the amount of deposits or bonds and the amount forfeited or realised, as the case may be, and in column 11 the persons ordered to be imprisoned under section

IN THE CHIEF COURT OF MYSORE AT BANGALORE.

Criminal Side.

Corrigendum dated the .....1920, to Rule of Practice No.4 dated the 31st May 1878.

*****

The Chief Court directs that the following form be substituted for form No.4 prescribed in the said Rule of Practice:--

Registrar.

Tks.

G.R.S. VI–71]

SUBJECT ... 2915 Sanctions new forms of Criminal Quarterly Statement No. IV & Register No. III

Diary No. of letter replied to ... 3655 3565

General and Revenue Secretariat

( )

, the 191

Date of issue ... 9/10

Signed by ... M^r Pr

Section C6.
File No. 73.
Serial No. 2

*Proceedings of the Government of His Highness the Maharaja of Mysore.*

*Read*—

Letter no. C.261/20-21 & the 29th Aug 1920, from the Registrar of the Chief Court of Mysore, requesting sanction for substituting the annexed form of Quarterly statement no. 4 for that already in use and for revising the Miscellaneous Register No. III as shown in the annexed form on the ground that the present Register and Statement are not comprehensive and do not furnish information on some important points.

Order Thereon No 47827 Jud 9

Sanctioned

D.M. 9/9

for Chief Secretary

To

The Registrar, Chief Court Mysore
(a covering letter)

(Here enter the annexures if any)

May this be

i Printed ?

ii treated as a standing order ?

ii published in the Gazette, English Part ?

iv translated ?

v placed at the disposal of the press ?

vi published in the Gazette Kannada Part ?

9/10

4/9/20.